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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,148	09/25/2001	Stephen C. Hahn	SUN-P6407-PIP	1747
22835	7590	01/04/2005	EXAMINER	
PARK, VAUGHAN & FLEMING LLP 508 SECOND STREET SUITE 201 DAVIS, CA 95616			BULLOCK JR, LEWIS ALEXANDER	
			ART UNIT	PAPER NUMBER
			2127	

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/964,148

**Applicant(s)**

HAHN ET AL.

**Examiner**

Lewis A. Bullock, Jr.

**Art Unit**

2127

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

Art Unit: 2127

## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it exceeds 150 words.

Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3, 4, 10-12, 14, 15, 21-23, 25, 26, 32 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by UREVIG (U.S. Patent 6,154,787).

As to claim 1, UREVIG teaches a method for allocating computer system resources (resources, i.e. peripheral devices, memory, and or processing capacity) between concurrently executing workloads (data processing systems), comprising: establishing a first resource pool (via the STDM using a drive manager configuration utility) that specifies requirements (the pool defined by STDM fulfills the following requirements...) (col. 7, lines 52-62) for each of a plurality of different computer system resources (col. 8, lines 19-55); allocating the plurality of different computer system resources to one or more resource pools, including the first resource pool, to create a resource allocation, wherein requirements of the first resource pool are satisfied (col. 7, lines 52-62; col. 8, lines 19-55), and wherein resources allocated to the first resource pool can change over time (col. 8, lines 19-24); and binding a first process (batch job) to the first resource pool, so that the first process has access to the plurality of different computer system resources allocated to the first resource pool (via the batch job requesting more resources that when handled by the STDM edits the pool files to the batch job) (col. 7, lines 1-7; col. 8, lines 19-55).

As to claim 3, UREVIG teaches prior to allocating the plurality of different computer system resources, verifying that collective requirements of the one or more resource pools (via the STDM fulfilling the requirements) can be satisfied (col. 7, lines 52-62; col. 8, lines 19-55). It is inherent within the teachings of UREVIG that since the STDM automatically performs the checking of these requirements in order to create the

pools that should the requirements cannot be fulfilled that the pool is not generated and an error returned.

As to claim 4, UREVIG teaches establishing the first resource pool involves selecting a file containing a representation of the first resource pool from a plurality of possible files (via the STDM using a drive manager configuration utility to create or modify a pool file) (col. 7, lines 52-62; col. 8, lines 19-55).

As to claim 10, UREVIG teaches dynamically adjusting the resource allocation during system execution (col. 3, lines 8-10).

As to claim 11, UREVIG teaches the plurality of different computer system resources can include: central processing units; semiconductor memory; swap space; and networking resources (abstract; col. 2, lines 50-53).

As to claims 12, 14, 15, 21 and 22, reference is made to a computer readable medium that corresponds to the method of claims 1, 3, 4, 10, and 11 and is therefore met by the rejection of claims 1, 3, 4, 10, and 11 above.

As to claims 23, 25, 26, 32 and 33, reference is made to an apparatus that corresponds to the method of claims 1, 3, 4, 10, and 11 and is therefore met by the rejection of claims 1, 3, 4, 10, and 11 above.

5. Claims 1, 2, 8, 9, 12, 13, 19, 20, 23, 24, 30 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by EILERT (U.S. patent 6,587,938).

As to claim 1, EILERT teaches a method for allocating computer system resources (physical resources...) (col. 5, line 65 – col. 6, line 2) between concurrently executing workloads, comprising: establishing a first resource pool (logical partition group) that specifies requirements (relative weight) for each of a plurality of different computer system resources (the sum of the relative weights for the logical partition in a given group are to remain constant before and after any change) (col. 7, lines 10-23); allocating the plurality of different computer system resources to one or more resource pools (logical partition groups), including the first resource pool, to create a resource allocation, wherein requirements of the first resource pool are satisfied, and wherein resources allocated to the first resource pool can change over time (col. 7, lines 10-23); and binding a first process (application) to the first resource pool, so that the first process has access to the plurality of different computer system resources allocated to the first resource pool (via from the creation of logical partitions and the binding of these partitions into a group) (col. 4, lines 18-37).

As to claim 2, EILERT teaches allocating the plurality of different computer system resources to one or more resource pools involves: partitioning each of the plurality of different computer system resources into one or more partitions (partitions), wherein a first partition (one partition) is associated with a first resource and a second

partition (another partition) is associated with a second resource (col. 4, lines 18-27; col. 4, line 63 – col. 5, line 9); allocating the first partition to a single resource pool (logical partition group), so that only processes (applications) associated with the single resource pool can access the first partition; and allocating the second partition to multiple resource pools (other logical partition groups) so that processes (applications) associated with the multiple resource pools can share the second partition (col. 6, lines 10-66; col. 8, lines 15-20).

As to claim 8, EILERT teaches wherein the first resource pool (resources associated with a logical partition group) is associated with a first project (logical partition); and wherein the first process is one of a plurality of processes (applications / programs) associated with the first project (via from the creation of logical partitions and the binding of these partitions into a group) (col. 4, lines 18-37).

As to claim 9, EILERT teaches establishing the first resource pool involves establishing minimum and maximum requirements (priority values) for a given resource (via setting the priority values in order to perform I/O on an I/O resource) (col. 17, line 47 – col. 18, line 11).

As to claims 12, 13, 19 and 20, reference is made to a computer readable medium that corresponds to the method of claims 1, 2, 8 and 9 and is therefore met by the rejection of claims 1, 2, 8 and 9 above.

As to claims 23, 24, 30 and 31, reference is made to an apparatus that corresponds to the method of claims 1, 2, 8 and 9 and is therefore met by the rejection of claims 1, 2, 8 and 9 above.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5-7, 16-18 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over UREVIG (U.S. Patent 6,154,787).

As to claim 5, UREVIG teaches storing a representation of the resource allocation to storage (file storage) so that the resource allocation can be reused (col. 8, lines 19-55). UREVIG teaches that the system is practiced on any computer for any number of reasons (col. 4, lines 55-67). Official Notice is taken in that it is well known in the art that files stored in a non-volatile computer memory system enable the system to data to be accessed in light of machine failure and therefore would be obvious in view of UREVIG in order to store resource allocation in light of all types of circumstances.

As to claim 6, UREVIG teaches storing the representation of the resource allocation involves storing a representation of each of the one or more resource pools



(pools) along with associated resources (resources) (via the second or third pool file) (col. 9, lines 20-41).

As to claim 7, UREVIG teaches a number of source code expressions, in one of many computer languages, could be utilized to implement the present invention (col. 4, lines 55-61). Official Notice is taken in that XML is a well known programming language and therefore would be obvious in view of UREVIG in order to implement the resource allocation in XML.

As to claims 16-18, reference is made to a computer readable medium that corresponds to the method of claims 5-7 and is therefore met by the rejection of claims 5-7 above.

As to claims 27-29, reference is made to an apparatus that corresponds to the method of claims 5-7 and is therefore met by the rejection of claims 5-7 above.

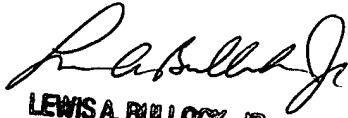
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (571) 272-3759. The examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 22, 2004

  
LEWIS A. BULLOCK, JR.  
PRIMARY EXAMINER